**IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH**
**AT HYDERABAD**

**FRIDAY, THE NINTH DAY OF JULY**
**TWO THOUSAND AND FOUR**

**PRESENT**

**HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE**

**and**
**HON'BLE Ms. JUSTICE G.ROHINI**

**WRIT APPEAL No.939 of 2004**

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 07/01/2004 in WP No. 4256 OF 1998 on the file of the High Court.)

Between:

1 The Commissioner of Prohibition and Excise, Government

of A.P., Hyderabad
2 The Deputy Commissioner of Prohibition and Excise,

Anantapur.
3 The Prohibition and Excise Inspector, Anantapur,

Anantapur District

..... RESPONDENTS/APPELLANTS

AND

S. Dadavali

S/o Madarsaheb,

Yuvajana Colony,

Anantapur, Anantapur District

.....PETITIONER/RESPONDENT

**Counsel for the Appellant :GP FOR PROHIBITION & EXCISE**
**Counsel for the Respondent :Mr. O.MANOHER REDDY, Advocate.**

The Court made the following :

ORDER: (Per Hon'ble the Chief Justice)

One of the grounds on which the impugned proceedings of Deputy Commissioner of Prohibition and Excise, Anantapur, confiscating the vehicle in exercise of his power under Section 46 of the A.P. Excise Act, 1968 and the order of the appellate authority dated 05-01-1998 were set aside was that no show cause notice was served by the primary authority before passing the order.

We have heard learned counsel for the parties. The order of the primary authority suggests that the show cause notice dated
17-04-1997 was sent, but the order records neither the served show cause notice was received nor explanation was received. As such, no interference by us is called for in this appeal. In case the appellants would like to initiate proceedings afresh against the respondent, they can do so only after complying with the relevant provisions of law.

The appeal is thus disposed of.

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DEVINDER GUPTA, C.J.

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G.ROHINI, J

09-07-2004

bsc

To

1 The Commissioner of Prohibition and Excise, Government

of A.P., Hyderabad

2 The Deputy Commissioner of Prohibition and Excise,

Anantapur.

3 The Prohibition and Excise Inspector, Anantapur,

Anantapur District

4. 2 CCs to Govt. Pleader for Prohibition and Excise, High

Court Buildings, Hyderabad.

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